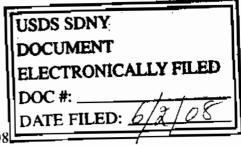






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JUDGE KAPLAN'S CHAMBERS

May 30, 200

FILED VIA ECF

BY FEDERAL EXPRESS

The Honorable Lewis A. Kaplan United States District Court for the Southern District of New York 500 Pearl Street New York, New York 10007

Re: New Trail Capital v. The Northwest Co.

No. 07 Civ. 9679

Dear Judge Kaplan:

We represent Plaintiffs New Trail Capital and Michael Beer in the above-captioned action. Since the initial pretrial conference held on January 11, 2008, Plaintiffs and Defendants have engaged in extensive discovery, including the exchange and review of several thousand pages of documents, and are working towards concluding fact discovery in an expeditious fashion. In light of recent developments the parties request that the Court's previous discovery schedule, Doc. No. 7, be enlarged to allow for an additional three months of fact discovery.

Counsel for Plaintiffs and counsel for Defendant The Northwest Company have agreed to the following proposed schedule deadlines:

Disclosure of Expert Witnesses August 30, 2008

Disclosure of Rebuttal Expert Witnesses September 15, 2008

Completion of All Fact Discovery September 30, 2008

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The Honorable Lewis A. Kaplan May 30, 2008 Page 2

Service of Summary Judgment Motions

October 30, 2008

Filing of Pretrial Order, Jury Instructions, Voir Dire

October 30, 2008

Plaintiffs and Defendant respectfully request that the Court modify the scheduling order as proposed in this letter.

Respectfully submitted,

David D. Jensen

DDJ:aa

ce: Philippe A. Zimmerman, Esq.

Moses & Singer LLP 405 Lexington Avenue New York, New York 10174

The parties were advised that lesters would not be granted in the ordinary course. The fait has the free forties have not adhered to the perhedule stableshed is not ford cause for an action.

Denied

30 ORDERED

LEWIS A. KAPLAN, USDJ

6/4/08